

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

MECHANICAL CONTRACTING)	
PROMOTION FUND,)	
Plaintiff,)	
)	
v.)	No. 2:24-cv-03015-SHL-cgc
)	
DAY-ZIMMERMAN INTERNATIONAL,)	
INC. and DAY & ZIMMERMAN NPS,)	
INC.,)	
)	
Defendants.)	

**ORDER GRANTING PLAINTIFF’S UNOPPOSED REVISED MOTION TO AMEND,
DENYING AS MOOT PLAINTIFF’S FIRST MOTION TO AMEND, AND DENYING AS
MOOT DEFENDANTS’ MOTION TO DISMISS**

Before the Court is the parties’ joint notice on their pending motions (ECF No. 31), which include Defendants’ motion to dismiss (ECF No. 26), Plaintiff’s motion to amend the complaint (ECF No. 29), and Plaintiff’s revised motion to amend the complaint (ECF No. 30). A party may amend its pleading with the opposing party’s written consent. Fed. R. Civ. P. 15(a)(2). The parties conferred about Plaintiff’s proposed third amended complaint, and Defendants do not oppose the revised version attached to Plaintiff’s second motion. (ECF No. 31 at PageID 164.) The parties’ deadline to amend pleadings has not yet expired. (ECF No. 30 at PageID 159.) Thus, the parties request that Plaintiff’s revised motion be granted, and the remaining motions be denied as moot. (Id.)

Because Defendants do not oppose Plaintiff’s revised motion, it is **GRANTED**. Plaintiff must file the third amended complaint attached to its revised motion as a separate entry on the docket by **May 8**. Plaintiff’s first motion to amend and Defendants’ motion to dismiss are **DENIED AS MOOT**.

IT IS SO ORDERED, this 5th day of May, 2025.

s/ Sheryl H. Lipman
SHERYL H. LIPMAN
CHIEF UNITED STATES DISTRICT JUDGE